

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TV INTERACTIVE DATA
CORPORATION,

Plaintiff,

No. C 10-0475 PJH

v.

ORDER

SONY CORPORATION, et al.,

Defendants.

During the past week, the court has been bombarded with papers filed by plaintiff TV Interactive Data Corporation ("TV Interactive") and defendants Sony Computer Entertainment America, Inc., Sony Computer Entertainment, Inc., Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. ("Sony").

It began with a motion by Sony on February 10, 2012, pursuant to Civil Local Rule 6-3 to continue the deadline for completion of mediation, from February 29, 2012, to sometime after October 2012. The asserted basis for the request was that in Sony's view, the mediation would not be "productive," as the parties were not in agreement as to the merits of the case, or its potential for settlement. TV Interactive filed a statement on February 14, 2012, indicating that it was willing to proceed with the mediation as scheduled. On February 15, 2012, the court issued an order denying Sony's request, pursuant to Local Rule 6-3, which does not permit a reply brief on such motions.

The following day, February 16, 2012, counsel for TV Interactive filed a letter on complaining about a discovery subpoena issued by Sony out of the U.S. District Court for

1 the District of Minnesota (i.e., outside this court's jurisdiction). This was followed, on the
2 morning of February 17, 2012, by a letter from counsel for Sony, complaining about some
3 of the representations made by TV Interactive in its letter. Three hours later, Sony filed a
4 "reply" in support of the motion it had filed on February 10, 2012, and which had already
5 been ruled on by the court (as counsel acknowledged in the first sentence of the brief). At
6 no time during this exchange was any request made of the court, other than the original
7 request to continue the mediation deadline for what the court considered to be an
8 unacceptably long period of time.

9 This kind of behavior is unacceptable and will not be tolerated. If one of the parties
10 has a legitimate dispute that it wishes to place before the court, it must file a motion that
11 comports with the Federal Rules of Civil Procedure and the Civil Local Rules of this court.
12 If the parties are engaged in a dispute regarding discovery (assuming it is a dispute that
13 arises within this court's jurisdiction), then they must take that dispute to Magistrate Judge
14 Maria-Elena James, who is the discovery judge assigned to this case, and must present the
15 dispute to Judge James as she has directed. In addition, Sony's improper reply brief is
16 ordered STRICKEN from the docket.

17 In the future, counsel shall refrain from using this court as a sounding board for the
18 airing of any and all grievances – whether petty or significant – that they might have against
19 one another. The court has neither the time nor the inclination to interject itself into matters
20 such as these.

21
22 **IT IS SO ORDERED.**

23 Dated: February 17, 2012



PHYLLIS J. HAMILTON
United States District Judge